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NOTE CHANGES MADE BY THE COURT

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10 Attorneys for Plaintiffs
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11

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
14

15 HARRY J. BINDER, *et al.*,

16 Plaintiffs,

17 vs.

18 DISABILITY GROUP, INC., a corporation;
19 RONALD MILLER, an individual; and
DOES 1 to 10, inclusive,

20 Defendant.
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Case No.: CV 07-02760-GHK (SSx)

Hon. George King, Judge
Courtroom 650

Referred to:
Magistrate Judge Suzanne H. Segal

**[PROPOSED] PROTECTIVE
ORDER NO. 1 REGARDING
TREATMENT OF NAMES AND
ADDRESSES OF POTENTIAL
CUSTOMERS**

1 **THE COURT FINDS** as follows:

2 1. Good cause exists in the course of this action to enter this protective
3 order pursuant to Rule 26(c)(7) to protect and limit the use of certain names and
4 addresses of individuals that this Court has ordered Disability Group, Inc. to disclose
5 and produce in this action pursuant to its ORDER GRANTING IN PART AND
6 DENYING IN PART PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF
7 DOCUMENTS entered February 6, 2008; and

8 2. Entry of a protective order pursuant to Rule 26(c)(7) of the Federal
9 Rules of Civil Procedure would serve the interests of justice by allowing the
10 disclosure of such names and addresses while providing for protection of personal
11 and confidential information to the extent possible in light of such disclosure.
12

13 **IT IS HEREBY ORDERED**, pursuant to Rule 26(c)(7) of the Federal Rules
14 of Civil Procedure, that

15 1. This Order shall govern the handling of the names and addresses of the
16 potential customers ("CUSTOMER INFORMATION") of defendant Disability
17 Group, Inc., including the CUSTOMER INFORMATION contained in unredacted
18 versions of documents stamped dg-1 through dg-201 in this action.

19 2. CUSTOMER INFORMATION shall be used solely for purposes of this
20 action and shall not be used for any other purpose, including, without limitation, any
21 business, proprietary, commercial, governmental, or other litigation purpose.

22 3. Disability Group shall provide notice that document or information
23 contains CUSTOMER INFORMATION as follows:

24 a. In the case of any documents provided or produced, by affixing
25 the legend "CONTAINS CUSTOMER INFORMATION—SUBJECT TO
26 PROTECTIVE ORDER NO. 1" to any document containing any CUSTOMER
27 INFORMATION.
28

1 b. In the case of depositions or other testimony (i) by a statement on
2 the record, by counsel, during such deposition or other testimony or portion thereof
3 that such testimony shall be treated as containing CUSTOMER INFORMATION
4 under this order, or (ii) by written notice, sent by counsel to all parties within ten (10)
5 business days after receiving a copy of the transcript thereof.

6 4. Access to CUSTOMER INFORMATION is limited to:

7 a. counsel of record for the parties in this Action, members of their
8 firms, associate attorneys, paralegal, clerical and other regular or temporary
9 employees of such counsel necessary to assist in the conduct of this Action for use in
10 accordance with this Order;

11 b. any attorney employed by a party (i.e., "in house" counsel),
12 associate attorneys, paralegal, clerical and other regular or temporary employees of
13 such counsel necessary to assist in the conduct of this Action for use in accordance
14 with this Order;

15 c. outside consultants or experts ("Consultants") retained by a party
16 in this Action; provided that each Consultant shall be identified by delivering to the
17 Producing party the name, address and a curriculum vitae of the Consultant in writing
18 no less than 5 days prior to disclosure of the Material to such expert, and provided
19 that the Producing party either does not object or the Court overrules any such
20 objection;

21 d. the parties in this action, provided that each party notify any
22 employee who reviews such information of the existence of this order;

23 e. the Court, court personnel and court reporters;

24 f. outside photocopying, imaging, data base, graphics or design
25 services retained by outside counsel for purposes of preparing demonstrative or other
26 exhibits for deposition, trial, or other court proceedings in this Action;

27 g. non technical jury or trial consulting services retained by outside
28 counsel; and

1 h. other persons (including in house representatives who would not
2 otherwise have access) only upon Order of the Court for good cause shown or upon
3 written stipulation of the parties.

4 5. Pursuant to the ORDER GRANTING IN PART AND DENYING IN
5 PART PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS
6 dated February 6, 2008, in order to protect the privacy interests of the third parties
7 identified in documents numbered "dg-001 to dg-201", Plaintiffs shall contact the
8 individuals identified in documents numbered "dg-001 to dg-201" by mail or
9 personal service; provided, however, that this proscription shall not prohibit plaintiff
10 from interviewing (through an investigator or outside counsel) any such person who
11 contacts plaintiffs after receiving a written communication or who contacts plaintiffs
12 of their own accord by phone.

13 6. So long as the same documents are simultaneously provided to persons
14 listed in sub paragraph 6(a), all documents of any nature, including briefs, which
15 contain CUSTOMER INFORMATION, to be filed with the Court under seal, such
16 papers shall be accompanied by an application in accordance with Local Rule 79-5.1.
17 The application to file such papers under seal shall be directed to the judge to whom
18 the papers are directed. Pending the ruling on the application, the papers or portions
19 thereof subject to the sealing application shall be lodged under seal. When there is
20 prior approval by the Court, such documents filed under seal with the Court shall be
21 filed under seal in an envelope or other container marked with the title of the Action,
22 the title of the court filing which contains the material, and a statement substantially
23 in the following form:

24
25 CONFIDENTIAL FILED PURSUANT TO A PROTECTIVE ORDER
26 THIS ENVELOPE IS NOT TO BE OPENED NOR ARE THE CONTENTS
27 THEREOF TO BE DISPLAYED OR REVEALED EXCEPT BY OR TO
28 QUALIFIED PERSONS OR BY COURT ORDER.

*The Court has considered
Defendants' Objections to the Proposed
Protective Order. The Court rejects
Defendants' objections. (SKS)*

7. In the event that any CUSTOMER INFORMATION is used in any trial, counsel shall confer with the Court on such procedures as are necessary to protect the confidentiality of any documents, information and transcripts used in the course of any such proceedings.

Dated: *2/12/08*

By: *Suzanne H. Segal*

Hon. Suzanne H. Segal
United States Magistrate Judge